

From: Vendlinski, Tim
Sent: Tuesday, September 10, 2013 3:07 PM
To: Pakenham-Walsh, Mary R SPK
Cc: Scianni, Melissa; Ma, Grace; Brush, Jason
Subject: RE: comments on pre-application meeting (9/5) for Whale's Mouth Sherman Island DWR restoration project (UNCLASSIFIED)

Thanks so much for your thoughtful and detailed message, Mary.

Yes; lets' stay in close coordination so we get the right restoration projects done with the minimum of permitting procedures.

For the record, none of the projects I cited in my message are associated with the BDCP.

That said, the projects at Prospect Island and Lower Yolo Ranch are being design in part to boost the populations of listed fish populations so water exporters can avoid unpredictable pumping restrictions on the CVP and SWP. These projects will go forward with or without the BDCP.

To give you a sense of the rigor being applied to these projects, DWR in consultation with Wetlands & Water Resources developed 27 restoration scenarios for Prospect Island. They refined these scenarios to a final 4-5, and then dropped two of those once they learned that the Sacramento Corps District might be concerned with levee modification under RHA Section 408.

Ducks Unlimited have a long track record of work in the lower Sacramento Valley and Delta, especially within the Butte Sink and Cosumnes River Preserve (CRP). However, I've long been concerned with the design and function of the wetlands they built within the Cosumnes River Preserve (CRP).

From the air, the "wetlands" constructed by DU at the CRP resemble rice patties more than they do the remnant wetlands in the area and those that historically covered that landscape (e.g., lagunas, vernal pools, off-stream adjacent wetlands). The constructed wetlands were built as

rectangular cells, and their appearance and functions persist some 20 years post-construction (see attached aerial image). The waterfowl seem happy enough, but the design has always struck me as one dimensional and focused narrowly on just a few species.

I think it's legitimate to question DU about their current design concepts, and to ask them to compare and contrast their work today with the work they did in the early '90s. Frankly, that was one of the main concerns that Melissa and I had with the Delta Wetlands Project, they are still trying to secure permits for a wetlands design that might have been authorized in the early '90s, but would never be permitted today. I want to know whether DWR and DU are taking advantage of modern science and the finest tools from the realm of restoration ecology.

Yours, Tim

From: Pakenham-Walsh, Mary R SPK [<mailto:Mary.R.Pakenham-Walsh@usace.army.mil>]
Sent: Monday, September 09, 2013 4:39 PM
To: Vendlinski, Tim
Cc: Scianni, Melissa; Ma, Grace
Subject: RE: comments on pre-application meeting (9/5) for Whale's Mouth Sherman Island DWR restoration project (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi Tim,

Thank you for the follow-up and especially for the issue of comparative project treatment. I myself have only worked on one of these projects (Mayberry Farms, a NWP-27), but will follow up internally (e.g., with my supervisor & folks working on BDCP) to air the NWP-27/LOP question as regards Whale's Mouth Sherman Island.

We had considered potentially making Mayberry a LOP, but looked closely at the language of NWP-27 which does not have an acreage threshold but does have a "net lift in aquatic functions" crux. (But just to say we did think about it...) Then we had the second NWP-27 for Twitchell

Island restoration, one that was processed by a different PM.

Large projects that may be associated with the BDCP (e.g., the ability to use for mitigation or other aspects of the plan) may/would need to be treated appropriately for that or other regulatory contexts. If DWR does not request mitigation “credit” or other use (i.e., connection to a larger plan or project) of projects such as the completed Mayberry Farms (SPK-2008-00701) and Twitchell Island (SPK-2012-01161), or upcoming Whale’s Mouth Sherman Island, their description as aquatic restoration (with a research element of subsidence reversal via long term monitoring), it’s less clear the “trigger” of making a NWP-27 into a LOP, if the applicant makes a solid case for the net lift in aquatic resource function. We may also obtain “best available science” design through coordinating on a NWP-27, albeit less formally but still Corps, EPA, USFWS are in the loop, and NMFS and CDFW are welcome to be as well.

I unfortunately can’t speak to the other projects since I am not involved with the larger Delta policy and project work, but will coordinate this question through my supervisor and appreciate your/EPA’s concerns and comments. I think it would behoove the discussion to consider “stand-alone” projects (e.g., not seeking to be mitigation for a larger Delta project) on their own (e.g., Mayberry, Twitchell, the upcoming one based on available information so far). And if there is regional or national precedence for elevating NWP-27s to a standard permit, or a regional discussion that would be productive to have, I am supportive and would also need to involve management level here, since these get into some policy issues about how we view large restoration projects in the Delta.

Let’s stay in touch on the discussion as it moves forward.

Thanks,
Mary

From: Vendlinski, Tim [<mailto:vendlinski.tim@epa.gov>]

Sent: Monday, September 09, 2013 1:29 PM

To: Pakenham-Walsh, Mary R SPK

Cc: Scianni, Melissa; Ma, Grace

Subject: [EXTERNAL] RE: further information about the Twitchell Island Restoration Project proposed by DWR and Ducks Unlimited (UNCLASSIFIED)

Thanks for your outreach, Mary.

One of the most important actions needed in the Delta is to restore tule-dominated tidal marshes in the Western Delta.

I really appreciate the enthusiasm by DWR and Ducks Unlimited (DU), but it's not clear whether they are taking advantage of all the best science to design and implement their projects.

In addition, it appears the regulatory agencies are taking inconsistent approaches to the way projects are being reviewed and authorized within the Delta region. For example, the following projects seem to be enduring a much greater level of scrutiny, and consequently, the designs of these projects seem to be much more rigorous: Prospect Island, Lower Yolo Ranch, and McCormick Williamson Tract. At the same time, project proponents have approached me to complain about all the regulatory "red tape" that is thwarting projects that could improve ecosystem processes. I don't want to add unnecessary obstacles to the permitting process, but I do want to make sure the agencies are treating all applicants with equity, and that the DWR/DU projects are the best that they can be.

Perhaps other projects receive more scrutiny because they are being designed to yield listed fish species, but that should be irrelevant to the wetlands program administered by the Corps and EPA because we should focus on a much broader spectrum of functions and values. After the call last Thursday, Melissa suggested that the Corps should consider using a Letter of Permission (LOP) process for the DWR/DU project to increase the disclosure of information and to add a formal public comment period to the equation. Using the NWP approach just seems inconsistent with the permitting approaches elsewhere in the Delta. Perhaps I'm missing something...

For the record, here are some of the questions I posed last Thursday (or withheld for the sake of the agenda). These questions were not addressed by DWR/DU in the pre-app materials for the project; instead we were referred to the forthcoming CEQA document.

1. Are DWR and DU taking advantage of the principles of historical ecology to design their projects for resiliency in the face of global warming and extreme weather events?
2. Are DWR and DU taking advantage of the lessons learned by USGS on their carbon farm project? If so, how?
3. What is the target surface elevation for the accreting wetlands once the project is "completed", or can the wetlands be designed to keep rising in tandem with Sea Level Rise (SLR)?

4. Can the wetlands be designed to sequester both GHGs and MeHg and therefore take advantage of the vast “accommodation space” afforded by the subsided peat-based islands?
5. What is the source of the imported fill material and would its application on the relatively buoyant peat-soils risk further subsidence?
6. Can the projects be designed to minimize O&M and while maximizing dynamic ecosystem processes.
7. Would the stability of the islands and the success of the projects be undermined by the implementation of unrelated projects, e.g., channel-deepening for the Stockton Deep Water Ship Channel.

Thanks for your interest in our concerns.

Best Regards, Tim

-----Original Message-----

From: Vendlinski, Tim [<mailto:vendlinski.tim@epa.gov>]

Sent: Thursday, September 05, 2013 3:27 PM

To: Degregorio, Donna L SPK; Fugler, Marc A

Subject: [EXTERNAL] FYI: further information about the Twitchell Island Restoration Project proposed by DWR and Ducks Unlimited

From: Vendlinski, Tim

Sent: Thursday, September 05, 2013 3:21 PM

To: Brock, Bryan@DWR

Cc: Scianni, Melissa; Ma, Grace; Jones, Paul; Brush, Jason; Fleck, Diane

Subject: further information about the Twitchell Island Restoration Project proposed by DWR and Ducks Unlimited

Thanks, Bryan.

I look forward to reviewing these materials, and I'm routing them to my colleagues for their reference.

My goal in raising questions about your proposed project is to make sure you're taking advantage of the best available science, and to ensure that your project is consistent with federal and State programs having to do with wetlands, aquatic resources, and water quality.

Your verbal overview of the project during today's call made it clear that the pre-app package was not sufficiently descriptive.

Perhaps the additional information you've provided will help dispel our concerns and perhaps even earn our support.

We recommend that you provide the Corps and the Regional Water Board with as much project-level detail as possible so they can issue their authorization and certification, respectively, and so there will be a greater likelihood that your project will advance our collective goals of wetlands restoration, levee stabilization, reversal of subsidence, and methylmercury management.

Best Regards, Tim

From: Brock, Bryan@DWR [<mailto:Bryan.Brock@water.ca.gov>]

Sent: Thursday, September 05, 2013 1:49 PM

To: Vendlinski, Tim

Subject: RE: request for information on Twitchell Island Restoration Project

Tim,

Thanks for participating in the 404 pre application meeting today. I will send you a complete CEQA package next week, when the RD approves for circulation (hopefully on Tuesday). It will have to be a hard copy since many of the documents are being added by other parties (rare plant survey, cultural resources, delineation, etc.). Also, I have attached all of the data that we have obtained on MeHg, Total Hg in water and sediment, as well as biota data from Mayberry Farms. I have included a map for referencing site locations of water and sediment (Moss landing has Biota map but I can get it if you are interested). The first tab is a summary graph that shows data by sampling station as well as sample date. As you can see the data is getting much tighter through the system as it matures. Also, it is important to note that we have not discharged water off of the site.

Additionally, I will send you several research papers that have been published over the years on subsidence reversal, GHG, MeHg, Rice production, etc.. if you like. I wanted to put all of this on web page but cannot due to copyright issues but can send individually.

At this time, we are not planning to include all of this information in the CEQA document, but I am more than willing to share everything that we have. Let me know if you would like copies of the published papers and/or have any additional questions. Also, please let me know if you are interested in a site visit.

Thanks.

Bryan Brock, P.E.

West Delta Program

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From: Vendlinski, Tim [<mailto:vendlinski.tim@epa.gov>]

Sent: Thursday, July 25, 2013 1:47 PM

To: pbritton@ducks.org

Cc: Brock, Bryan@DWR

Subject: request for information on Twitchell Island Restoration Project

Thanks for taking my call, Pat.

Please send me readily available links, pdfs, maps, etc. that contain the workplan for the restoration work you're doing out in the Western Delta in partnership with DWR. We're especially interested in projects that align with the goals of the DWR/USGS carbon farming project for reversing subsidence and sequestering GHGs. We're also concerned with the control and sequestration of MeHg consistent with the State/federal TMDL, and so we're partnering with USGS to learn whether MeHg can also be sequestered along with GHGs (see attached SOW).

Beyond that, we're urging agencies and NGOs to take advantage of the new findings about the historical ecology of the Delta recently captured by SFEI

http://www.sfei.org/news_items/press-delta-historical-ecology-report

We have been concerned with several projects in the North Delta and West Delta that are proposing a lot of land contouring and cut & fill, or are proposing wetlands restoration schemes that are seriously outdated and not consistent with modern thinking about restoration ecology and long-term stewardship.

I look forward to corresponding with you in the future about this important work.

Thanks, Tim